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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,953	11/21/2003	Christina Ann Lacombe	130802	3520

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

EXAMINER

FIELDS, BENJAMIN S

ART UNIT	PAPER NUMBER
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3684

NOTIFICATION DATE	DELIVERY MODE
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10/12/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ldocket@crd.ge.com
rosssr@ge.com
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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/719,953	Applicant(s) LACOMB ET AL.	
	Examiner BENJAMIN S. FIELDS	Art Unit 3684	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1,4-12,14,15,18-23,25,26,29,30 and 32-34.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Thomas Dixon/
 Primary Examiner, Art Unit 3684

The Examiner maintains the following position in regards the prior art references which have been cited as teaching the limitations of the claims of the instant application:

1 - As previously argued and finally rejected within the Office Action (mail date: 28 July 2010), the Examiner mentioned and maintains that the patent references of record are directed to those with ordinary skill in this art; the references are clear, explicit, and specific as to what they teach. Per Applicants very own submission, the Eder prior art reference describes and teaches a method and system for business valuation [Col. 1, lines 22 - 23]. It describes valuating both tangible and intangible assets [Col. 6, lines 7 - 9] to measure financial performance [Col. 4, lines 45 - 49]. It extracts financial data concerning revenue, expenses, capital, and elements of value [Col. 8, lines 4 - 7]. It does not describe or teach any particular means used for such extraction, however, one of ordinary skill in the art/knowledge would come to understand that it does describe and/or teach the distinction between qualitative or quantitative/numerical data. Quality is quite relative while quantitative is usually numerical in the art. One of ordinary skill in the art/knowledge would come to understand that Eder also does show, describe, and/or teach a distinction between financial and business data.

2 - Applicants also admitted that D'Alessandro describes and teaches a survey/interview method [Col. 1. lines 7 - 8, Col. 2, line 63] that surveys employees [Col. 3, line 33] and non-employees [Col. 3, line 59] about business performance [Col. 3, line 67] and then quantifies the results of the survey [Col. 4, line 4]. It further describes a total quality scorecard based on the Malcolm Baldrige criteria. The only means described for obtaining data is the survey method using questions; there are no data extraction techniques described or suggested. The Examiner notes that such data gathering is equivalent to data extraction and sorting. Thus, D'Alessandro describes and/or teaches a distinction between financial data, business data, qualitative data, or quantitative data.

3 - The arguments as filed 21 September 2010 have been fully considered but have been found to be moot and non-persuasive. The proposed amendments by the applicants raise new issues that necessitate/require further consideration and/or search. Lastly, the Examiner notes that the most recently submitted claim listing by the Applicants (mail date: 21 September 2010) has been attached (DO NOT ENTER) as part of the record for purposes of appeal.